

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOCAL 786 LUMBER EMPLOYEE)	
RETIREMENT FUND and MICHAEL YAUGER,)	
as Trustee of the Local 786 Lumber Employee)	
Retirement Fund,)	Case No. 13 cv 00437
Plaintiffs,)	
v.)	Judge John Z. Lee
)	
MAYFAIR LUMBER CO.,)	
an Illinois Corporation,)	
Defendant.)	

MOTION FOR RULE TO SHOW CAUSE

NOW COME the Plaintiffs, Local 786 Lumber Employee Retirement Fund and Michael Yauger, by and through their attorney, Anthony Pinelli, and respectfully request this Honorable Court to issue a Rule to Show Cause against Charles L. Koenen for failing to comply with the Citation to Discover Assets issued by this court on July 30, 2013 and served on his person August 14, 2013 for the following reasons:

1. The Local 786 Lumber Employee Retirement Fund and Michael Yauger, as trustee, sue Mayfair Lumber Co. to collect the amount of withdrawal liability assessed when that corporation withdrew from the Fund.
2. The amount sought was based on a default by Mayfair Lumber Co. of the Fund's claim pursuant to MPPA, 29 USC 1301 *et seq.*
3. This court entered the attached default judgment on April 24, 2013 (Exhibit A).
4. Pursuant to that judgment, a Citation to Discover Assets was served on Charles Koenen, President and Registered Agent of Mayfair Lumber Co. The Citation was served personally on August 14, 2013 at his residence in Evanston, Illinois (Exhibits B, C).
5. Subsequent to that service of the Citation, Mr. Koenen contacted Plaintiffs' counsel and requested a continuance of the scheduled Citation for September 10, 2013 at 1:00 p.m. (Exhibit D).
6. It was agreed on August 23, 2013 to continue the Citation proceeding to a date to be

agreed upon if certain records were provided to the Plaintiffs' counsel's office prior to that date.

7. On September 10, 2013, Mr. Koenen requested a second extension to provide documents to September 25, 2013 which was agreed (Exhibit E).
8. Since that date none of the documents have been provided to counsel and Mr. Koenen has failed to respond to messages requesting his compliance.
9. On November 8, 2013, counsel was advised that property owned by Mayfair Lumber Co. At 4808 W. Wilson Ave., Chicago, Illinois will be acquired by the City of Chicago. The transaction would provide an amount of funds to the shareholders of Mayfair Lumber Co. which would satisfy the remaining balance of \$1,066,477.90 as well as post judgment interest owed on that amount (Exhibit F).
10. On information and belief, Mr. Charles Koenen has had knowledge of that transaction and has failed to appear at the Citation or provide records to prevent the Plaintiffs from collecting the judgment from the proceeds of the sale.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court issue a Rule to Show Cause why Mr. Charles Koenen should not be held in contempt of this Court for willfully failing to comply with this Court's order to appear and produce for the Citation to Discover Assets issued on July 30, 2013 and served personally on Mr. Koenen on August 14, 2013.

Respectfully submitted,

s/Anthony Pinelli

Anthony Pinelli

Attorney for Plaintiffs

Anthony Pinelli
Law Office of Anthony Pinelli
53 West Jackson Blvd., Suite 1460
Chicago, Illinois 60604
312/583-9270